

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 279

September 16, 1999, 2:30 p.m.
Page S-11028 Temp. Record

DC APPROPRIATIONS/Conference, Passage

SUBJECT: Conference report to accompany the District of Columbia Appropriations Bill for fiscal year 2000 . . . H.R. 2587. Agreeing to the conference report.

ACTION: CONFERENCE REPORT AGREED TO, 52-39

SYNOPSIS: The conference report to accompany H.R. 2587, the District of Columbia Appropriations Bill for fiscal year 1997, will provide the District of Columbia Government with \$429.1 million in Federal funds and will approve a total budget for the District of \$6.778 billion. The District's operating budget will be \$5.3 billion, and its capital budget will be \$1.4 billion. It will be required to maintain a \$150-million reserve fund.

Provisions include the following:

- \$17 million will be provided for a new college tuition program that will enable District students, in effect, to pay in-State tuition rates at colleges and universities outside of the District; funding will also be provided for charter schools;
- funding will be provided to combat open-air drug markets and for drug testing of people who are on probation;
- the registration of sex offenders will be required; and
- no funds appropriated or approved under this Act will be used: to pay for any abortion except to save the life of the mother or in cases of rape or incest; to pay for any system of registration of unmarried cohabiting couples or to implement or enforce the District's Domestic Partners Act; to pay for any needle exchange program for drug addicts; to legalize or to reduce penalties associated with the possession, use, or distribution of marijuana or other controlled substances; or to pay for lawsuits against the United States that demand Senators and a Representative for the District (each of these prohibitions was in last year's bill; President Clinton has indicated that he may veto the bill due to his objection to the needle exchange, marijuana, and lawsuit provisions).

Those favoring passage contended:

(See other side)

YEAS (52)			NAYS (39)			NOT VOTING (9)	
Republicans (50 or 96%)		Democrats (2 or 5%)	Republicans (2 or 4%)	Democrats (37 or 95%)		Republicans (3)	Democrats (6)
Abraham	Helms	Byrd	Jeffords	Akaka	Kohl	Chafee- ²	Breaux- ²
Allard	Hutchinson	Conrad	Shelby	Baucus	Landrieu	Crapo- ²	Daschle- ²
Ashcroft	Hutchison			Bayh	Lautenberg	McCain- ²	Inouye- ²
Bennett	Inhofe			Biden	Leahy		Kennedy- ²
Bond	Kyl			Bingaman	Levin		Kerry- ²
Brownback	Lott			Boxer	Lieberman		Wellstone- ^{2AN}
Bunning	Lugar			Bryan	Lincoln		
Burns	Mack			Cleland	Mikulski		
Campbell	McConnell			Dodd	Moynihan		
Cochran	Murkowski			Dorgan	Murray		
Collins	Nickles			Durbin	Reed		
Coverdell	Roberts			Edwards	Reid		
Craig	Roth			Feingold	Robb		
DeWine	Santorum			Feinstein	Rockefeller		
Domenici	Sessions			Graham	Sarbanes		
Enzi	Smith, Bob (I)			Harkin	Schumer		
Fitzgerald	Smith, Gordon			Hollings	Torricelli		
Frist	Snowe			Johnson	Wyden		
Gorton	Specter			Kerry			
Gramm	Stevens						
Grams	Thomas						
Grassley	Thompson						
Gregg	Thurmond						
Hagel	Voinovich						
Hatch	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Senators are in broad agreement on the funding priorities in this bill, and they agree that the District, under the current mayor, is being restored to fiscal health. Much progress still needs to be made, but the city is headed in the right direction, and this bill will help it stay on track. The only reason that there is opposition to this bill is that the President has decided he wants to liberalize the drug laws in the District, and he wants to play politics with the issue of statehood for the District. Most Democratic Senators, as usual, will do the President's bidding by voting against this conference report. We think if the President had said he would support this bill with these provisions, just like he did last year when they were included in the District's appropriations bill, they would have just obediently tagged along and supported it as well.

There are two drug provisions in this bill. The first will prohibit funding of any needle exchange program. Such programs, where they exist, lead to greater abuse of addictive drugs. The President's own Drug Czar strongly opposes needle exchange programs for this very reason. As he put it, the problem is not dirty needles but heroin use. This provision was in last year's bill, which the President signed. The second drug provision will prevent any legalization of marijuana. This provision was added last year when the District had a referendum on whether marijuana should be approved for medical purposes. Last year's restrictions were greater than the restrictions in this bill, because they also stopped the tabulation and release of the referendum results.

Our colleagues tell us that the District should be allowed to make its own decisions on these two issues. We emphatically disagree. The District is not just another city--it is the capital of the United States, and, as such, it represents the entire United States. District residents do not and should not have the authority to make radical policy decisions which the majority of Americans find offensive. Our Founding Fathers made the decision, which they enshrined in the Constitution, that the District of Columbia would be run by Congress. It would not be under the control of any State nor would it be under the control of local residents.

Congress decided to delegate "home rule" to the District to allow it to make decisions only on those issues that do not reflect on national policies. However, it did not delegate any license to make decisions on the running of the city that would reflect on the Nation as a whole. Congress has a duty to make those decisions. Marijuana is an illegal drug under Federal law. The use of needles to inject illegal drugs is also an offense under Federal law. The residents of the District do not have the right to pass laws in this Federal city, which belongs to all Americans, that contradict those Federal laws.

The statehood provision in the bill will deny the use of funds approved by this bill to sue the United States to get statehood for the District. We do not object to that suit being pursued, but we certainly object to tax funds being used for that purpose. We note that such a suit is already well under way and that the legal work is being provided pro bono. The effort to provide tax funding for this suit is just a symbolic way for liberal Members to demonstrate their support for District statehood. We would rather they just gave speeches instead of making the taxpayers pay for their bad idea.

Liberal Democrats ignore the constitutional requirement for them to oversee the District, because they are happy with the radical, leftist policies that are favored by its residents. District residents vote for policies that liberal Democratic Senators would themselves support if they were not afraid of the backlash from the voters. When District residents support the legalization of drugs or suing the Federal Government because the Constitution does not give them Senators and a Representative, our colleagues are pleased and say that it is a home rule issue that does not involve them. The Constitution says they are wrong. They have a sworn constitutional duty to govern the District. If they support these provisions, let them say so and make the decision themselves. This bill rightly bars the District from making these changes which have national ramifications. We urge passage of this conference report.

Those opposing passage contended:

We favor the funding priorities in this bill, but we oppose the legislative riders. They have been included in the past, over our objections, but this year the President has decided to take a stand against them. We are pleased to support him in that stand. District residents should not be second-class citizens under the Constitution. Dozens of other cities across this country have passed laws to fund needle exchange programs, and several States have passed laws legalizing the medical use of marijuana. These subjects are normal matters to be discussed and decided upon by local jurisdictions, and therefore Congress should not interfere in any decisions the District may make upon them. Even more egregiously, this bill prohibits the District from spending its own funds to pursue its constitutional rights as it sees them under the Constitution. Everyone should have access to the courts, but this bill attempts to limit that access by saying that the District may not use its own money to go to court over the statehood rights it believes it is unconstitutionally being denied. If these policy riders had not been included in this bill, we would support its passage. Because they have been added, we will join the President in opposing it.